

**MEMO**

**TO:** THE MEMBERS OF THE MICHIGAN SENATE COMMITTEE ON REFORMS, RESTRUCTURING AND REINVENTION

**FROM:** Nick Ciaramitaro, Director of Legislation and Public Policy  
Michigan AFSCME Council 25

**DATE:** November 30, 2011

**RE:** House Bill 4003

Michigan AFSCME Council 25 opposes House Bill 4003 as harmful to the rights of child care and other workers to organize and bargain collectively over important working conditions and other matters affecting their lives and their livelihood. Prohibiting a group of workers from working together to improve their profession and their lives runs counter to economic freedom and justice. No workers have been "forced" to join a union as claimed by the proponents of this legislation. Rather the bill seeks to deprive a group of workers who have expressed their desire to form a collective bargaining unit from doing so.

House Bill 4003 amends the Public Employees Relations Act (PERA) to specifically exclude from its provisions workers who receive a government subsidy. The bill ignores changes in the economy of the State and the needs of new classes of workers.

Michigan's changing economy has created new, non-traditional jobs. Where work is performed, how it is compensated and the needs of workers and those for whom they work alike are changing. One of the emerging jobs is that of child care worker. This new profession was generated by public policy changes in the 1990's involving assistance to the unemployed and underemployed. What was then known as "Welfare to Work" programs developed and required public assistance recipients to engage in work or work training to continue to qualify for assistance. As many of those receiving assistance were single parents of young children, the effort created a need for child day care greater than exists. Added to the increased need was the fact that those in greatest need of this service were people unable to meet the cost of child care as they were engaged in unpaid work preparation programs or low wage entry-level jobs.

At first the result was a number of children being left without supervision. The State of Michigan realized that no supervision was harmful to the child and posed a risk to the community. Therefore, Michigan created a subsidized child day care program.

While the original intent was only to partially offset the cost of child care for those transitioning from welfare to work, it soon became clear that the "reimbursements" provided by the State were in fact the total compensation paid to many child care workers. And the subsidies were expected to cover not only the sustenance of the worker but food and shelter and school preparedness for the children as well.

In 2006, child care workers throughout the State of Michigan decided to form a union known as Child Care Providers Together – Michigan (CCPTM). Out of 40,532 home based child care workers receiving a "subsidy" from the State, 22,180 signed cards authorizing "Child Care Providers Together Michigan" to serve as their "exclusive representative to collectively bargain or discuss my working conditions." PERA provides that if a significant number (generally held to be at least 30%) of a group of workers authorize an exclusive representative, an election will be held. Here 54.75% had indicated their intent.

The Michigan Employment Relations Commission then sent out ballots to ALL child care workers receiving state reimbursement asking whether they wanted to be represented by CCPTM or whether they wished not to have a union. The union won by a vote of 92% to 8%.

Ballots were again mailed to ALL child care workers receiving state reimbursement and a contract was adopted by a vote of 4806 to 78 (with 22 spoiled ballots).

**Members** of CCPTM are asked to pay dues at a reduced level of 1.15% of their earnings. While all home based child care workers are entitled to representation by CCPTM whether a member or not, any worker can choose to opt out of membership at any time. CCPTM may then legally collect only a fair share fee from those who opt out of membership for the cost of negotiating and implementing any contract on their behalf.

Earlier this year, the Department of Human Services and Mott Community College abolished the Michigan Home Based Child Care Council which has operated as the employer for collective bargaining purposes. The Department of Human Services no longer collects dues from the workers. However, we at AFSCME continue to advocate for these workers and for their rights. We hope you will not put into law provisions that denies these workers their rights – especially one that purports to do so retroactively. Let them decide. Thank you for your consideration.